

**COUNTY COUNCIL**

Mel Rapozo, Chair  
Ross Kagawa, Vice Chair  
Mason K. Chock  
Gary L. Hooser  
Arryl Kaneshiro  
KipuKai Kualii  
JoAnn A. Yukimura



**OFFICE OF THE COUNTY CLERK**

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**Council Services Division**  
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Lihu'e, Kaua'i, Hawai'i 96766

**MEMORANDUM**

January 15, 2015

**TO:** Bernard P. Carvalho, Jr., Mayor  
**FROM:** Mel Rapozo, Council Chair  
**RE:** **JANUARY 14, 2015 COUNCIL MEETING RECAP**

This is to inform you of the action taken by the Council at its January 14, 2015 Council Meeting:

**CONSENT CALENDAR:**

C 2015-27 Communication (12/10/2014) from the Director of Finance, transmitting for Council information, the Schedule of Fund Balances for the Fiscal Year Ended June 30, 2014, pursuant to Section 19.14 of the Charter of the County of Kaua'i. *(Received for the Record.)*

C 2015-28 Communication (12/11/2014) from the Director of Finance, transmitting for Council consideration, proposed amendments to Ordinance No. B-2014-781, as amended, relating to the Operating Budget of the County of Kaua'i, for the Fiscal Year 2014-2015, by revising the amounts estimated in the General Fund, Highway Fund, Solid Waste Fund, Sewer Fund, and Golf Fund to meet the full Annual Required Contribution for Other Post Employment Benefits (OPEB) as prescribed by the most recent actuarial report. *(Full Funding of OPEB Annual Required Contribution (ARC) - \$1,495,385)*  
*(Received for the Record.)*

C 2015-29 Communication (12/12/2014) from the Director of Planning, transmitting the Planning Commission's recommendation to amend Chapter 10, Article 5, Kaua'i County Code 1987, as amended, to adopt the Lihu'e Community Plan Update, which sets forth policies and recommendations for each of the three (3) major communities in the Lihu'e District (Lihu'e, Puhi, and Hanamā'ulu), as well as identifying potential special planning areas for the Lihu'e District. *(Received for the Record.)*

C 2015-30 Communication (12/19/2014) from the County Attorney, transmitting for Council consideration, proposed amendments to Ordinance No. B-2014-781, as amended, relating to the Operating Budget of the County of Kaua'i, for the Fiscal Year 2014-2015, by revising the amounts estimated in the General Fund to fund the anticipated Special Counsel budget shortfall for the remainder of Fiscal Year 2014-2015. (*Office of the County Attorney, Special Counsel Account - \$650,000*) (***Received for the Record.***)

C 2015-31 Communication (12/22/2014) from Councilmember Yukimura, providing written disclosure of a possible conflict of interest and recusal, with regard to Bill No. 2569, relating to electric vehicle charging stations, as she is currently an owner of an electric vehicle and utilizes these charging stations for her personal vehicle. (***Received for the Record.***)

C 2015-32 Communication (12/29/2014) from the Director of Finance, transmitting for Council information, the Condition of the County Treasury Statement quarterly report as of November 13, 2014. (***Received for the Record.***)

C 2015-33 Communication (12/30/2014) from Council Chair Rapozo, transmitting for Council consideration, a Resolution amending Resolution No. 2014-39, to amend the expiration date of Mary E. Tudela's term on the Board of Ethics. (***Received for the Record.***)

C 2015-34 Communication (12/30/2014) from the Mayor, transmitting for Council consideration and confirmation, the following Mayoral reappointments to the various Boards and Commissions for the County of Kaua'i:

1. Building Board of Appeals

- Michael Y. Nagano – Term ending 12/31/2017

2. Board of Ethics

- Mary E. Tudela – Term ending 12/31/2017
- Calvin K. Murashige – Term ending 12/31/2017

3. Board of Review

- Russell S. Kyono – Term ending 12/31/2017

4. Civil Service Commission

- Richard J. Jose – Term ending 12/31/2017

5. Fire Commission

- Harold D. Brown – Term ending 12/31/2017

6. Police Commission

- Donald K. Okami, Sr. – Term ending 12/31/2017

7. Salary Commission

- Charles G. King – Term ending 12/31/2017
- Camilla C. Matsumoto – Term ending 12/31/2017

(***Received for the Record.***)

C 2015-36 Communication (01/07/2015) from Councilmember Hooser, transmitting for Council consideration, proposed amendments to Chapter 5A, Kaua'i County Code 1987, as amended, relating to Real Property Taxes (RPT), to freeze RPT for the 2015 tax year at 2014 tax year amounts or less, for properties with home use exemptions that received substantial increases in their RPT bills in the 2014 tax year due to the removal of the Permanent Home Use exemption, any changes in use, increases in various RPT rates, and recalculation of their property taxes based on current fair market values. *(Real Property Tax Relief for the 2015 Tax Year) (Received for the Record.)*

C 2015-37 Communication (01/07/2015) from Council Chair Rapozo, providing written disclosure of a possible conflict of interest and recusal, regarding Salary Commission Resolution No. 2014-1, relating to the salaries of certain officers and employees of the County of Kaua'i, as his brother is one of the officers or employees who may benefit from the proposed salary increase. *(Received for the Record.)*

COMMUNICATIONS:

C 2015-35 Communication (12/30/2014) from Councilmember Hooser, transmitting for Council consideration, a proposed draft Bill relating to declaring a public nuisance to protect health, safety, and property from the effects of various types of air pollution. *(Received for the Record.)*

C 2015-38 Communication (12/15/2014) from the Director of Parks & Recreation, requesting Council approval to accept a monetary donation in the amount of three thousand dollars (\$3,000) from Synovus Trust Company, to fund the Hanapēpē Neighborhood Center and Kalāheo Neighborhood Center Youth Programs (\$1,500 each). *(Approved with thank-you letter to follow.)*

C 2015-39 Communication (12/15/2014) from the Fire Chief, requesting Council approval to apply, receive, and expend two (2) Assistance to Firefighters Grants (AFGs) for the following:

1. The first grant will be used to train and certify fifty (50) Fire Inspectors to comply with the National Fire Protection Association (NFPA) standard for the management of Fire Prevention Organizations. The project will cost sixty thousand dollars (\$60,000), with AFG covering ninety percent (90%) or fifty-four thousand five hundred forty-six dollars (\$54,546), and the Kaua'i Fire Department (KFD) covering the remaining ten percent (10%) or five thousand four hundred fifty-four dollars (\$5,454).
2. The second grant will be used to purchase an Aerial Apparatus Vehicle: a Quint Pumper, five hundred (500) gallon tank, and a seventy-five (75) foot vertical reach ladder. The Quint Pumper will enhance fire protection for hotels, condominiums, and housing units on Kaua'i. The project will cost seven hundred ninety-one thousand dollars (\$791,000), with AFG covering ninety percent (90%) or seven hundred nineteen thousand ninety-four dollars (\$719,094), and the KFD covering remaining ten percent (10%) or seventy-one thousand nine hundred nine dollars (\$71,909).

*(Approved.)*

C 2015-40 Communication (12/22/2014) from the Housing Director, requesting Council approval for the following:

1. Fee simple acquisition from the owners of the residential unit situated at 3920 Haoa Street, #123, Līhu'e, for not more than \$197,950;
2. Fee simple resale of the residential unit situated at 3920 Haoa Street, #123, Līhu'e, for not more than \$197,950, to a participant on the Affordable Housing Program Waitlist whose household income does not exceed 80% of the Kaua'i Median Household Income (KMHI); and
3. Authorize the County Clerk to sign legal documents related to the acquisition and resale transactions.

***(Approved.)***

C 2015-41 Communication (12/23/2014) from the Director of Liquor Control, requesting Council approval to dispose of work folders, closed contracts, and miscellaneous files; pursuant to Section 46-43, Hawai'i Revised Statutes (HRS) and Resolution No. 49-86 (1986), as amended, for the following reason:

- Kept for over seven (7) years and are no longer of use or value.

***(Approved.)***

C 2015-42 Communication (12/29/2014) from Council Chair Rapozo, requesting the presence of the Managing Director and County Attorney, to provide the Council with an update on the Administration's fact finding / investigation and plan to address matters pertaining to the agricultural dedication process and the grading, grubbing, and stockpiling process. ***(Referred to the January 22, 2015 Committee of the Whole Meeting.)***

C 2015-43 Communication (01/02/2015) from Council Chair Rapozo, requesting Council consideration of the nomination of Councilmember Kualī'i to fill and complete the remaining term of a National Association of Counties (NACo) Board of Director. ***(Approved.)***

C 2015-44 Communication (01/06/2015) from Councilmember Yukimura, requesting Council reconsideration of Resolution No. 2015-09, a Resolution requesting the Legislature of the State of Hawai'i to amend Chapter 92, Hawai'i Revised Statutes, to allow members of a County Council to jointly attend community meetings. ***(Received for the Record.)***

#### **LEGAL DOCUMENTS:**

C 2015-45 Communication (01/02/2015) from the Housing Director, recommending Council approval of a conveyance by Alexander & Baldwin, LLC, of the 11.204 acre parcel situated alongside Po'ipū Road, Tax Map Key (TMK) No. (4) 2-6-004:019, Po'ipū, Kaua'i, Hawai'i, to the County of Kaua'i for the development of workforce housing, which would fulfill the housing condition for Kukui'ula Development Company (Hawai'i), LLC, contained in Section 2, Subsection 19 of Ordinance No. PM-2004-370, as amended.

- Dedication Deed
- (Approved.)***

C 2015-46 Communication (01/02/2015) from the Housing Director, recommending Council approval of the following for utility improvements needed to complete the Rice Camp Senior Housing Project, Tax Map Key (TMK) No. (4) 3-6-004:009, Līhu'e, Kaua'i, Hawai'i:

- Grant of Easement and Conveyance of Water Facility made by and between the County of Kaua'i and Rice Camp Partners LP and the Board of Water Supply, County of Kaua'i, TMK No. (4) 3-6-004:009, for the maintenance and repair of potable water pipelines and related meters, valves, and other associated waterworks facility improvements, and appurtenances;
- Grant of Easement made by and between the County of Kaua'i and Kaua'i Island Utility Cooperative and Hawaiian Telcom, Inc., TMK No. (4) 3-6-004:009 for the transmission of electricity and telecommunications, maintenance, repair, and operation of lines, and appurtenances;
- Grant of Easement made by and between the County of Kaua'i and The Gas Company, LLC, TMK No. (4) 3-6-004:009, for the building, constructing, repairing, maintaining, and operating of above and below ground gas piping, meter(s), tanks, and appurtenant equipment; and
- Right of Entry Agreement made by and between the County of Kaua'i and The Gas Company, LLC, TMK No. (4) 3-6-004:009, for the building, constructing, repairing, maintaining, and operating a gas storage tank, gas piping, and appurtenant equipment.

***(Approved.)***

**CLAIMS:**

C 2015-47 Communication (12/04/2014) from the Deputy County Clerk, transmitting a claim filed against the County of Kaua'i by JoAnn Garcia, Authorized Representative of RSI, Recovery Agent for L-3 Communication, and Laura Campbell, for bodily injuries, pursuant to Section 23.06, Charter of the County of Kaua'i. ***(Referred to the County Attorney's Office for disposition and/or report back to the Council.)***

C 2015-48 Communication (12/08/2014) from the Deputy County Clerk, transmitting a claim filed against the County of Kaua'i by Eugene K. Jimenez, for damages to his property, pursuant to Section 23.06, Charter of the County of Kaua'i. ***(Referred to the County Attorney's Office for disposition and/or report back to the Council.)***

C 2015-49 Communication (12/10/2014) from the Deputy County Clerk, transmitting a claim filed against the County of Kaua'i by Sarah Rodriguez, for damages to her vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i. ***(Referred to the County Attorney's Office for disposition and/or report back to the Council.)***

C 2015-50 Communication (12/17/2014) from the Deputy County Clerk, transmitting a claim filed against the County of Kaua'i by Jeffrey A. Craig, for damage to his vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i. ***(Referred to the County Attorney's Office for disposition and/or report back to the Council.)***

**COMMITTEE REPORTS: APPROVED.**

**RESOLUTION FOR RECONSIDERATION:**

Resolution No. 2015-09 – RESOLUTION REQUESTING THE LEGISLATURE OF THE STATE OF HAWAII TO AMEND CHAPTER 92, HAWAII REVISED STATUTES, TO ALLOW MEMBERS OF A COUNTY COUNCIL TO JOINTLY ATTEND COMMUNITY MEETINGS ***(Reconsideration Approved; Approved as Amended to Resolution No. 2015-09, Draft 1.)***

**RESOLUTIONS:**

Resolution No. 2015-12 – RESOLUTION AMENDING RESOLUTION NO. 2014-39, TO AMEND THE TERM EXPIRATION DATE FOR A MAYORAL APPOINTMENT TO THE BOARD OF ETHICS ***(Mary E. Tudela) (Approved.)***

Resolution No. 2015-13 – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE BUILDING BOARD OF APPEALS ***(Michael Y. Nagano – Fire Safety) (Approved.)***

Resolution No. 2015-14 – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE BOARD OF ETHICS ***(Mary E. Tudela) (Approved.)***

Resolution No. 2015-15 – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE BOARD OF ETHICS ***(Calvin K. Murashige) (Approved.)***

Resolution No. 2015-16 – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE BOARD OF REVIEW ***(Russell S. Kyono) (Approved.)***

Resolution No. 2015-17 – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE CIVIL SERVICE COMMISSION ***(Richard J. Jose) (Approved.)***

Resolution No. 2015-18 – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE FIRE COMMISSION ***(Harold D. Brown) (Approved.)***

Resolution No. 2015-19 – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE POLICE COMMISSION ***(Donald K. Okami, Sr.) (Approved.)***

Resolution No. 2015-20 – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE SALARY COMMISSION ***(Charles G. King) (Approved.)***

Resolution No. 2015-21 – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE SALARY COMMISSION ***(Camilla C. Matsumoto) (Approved.)***

**BILLS FOR FIRST READING:**

Proposed Draft Bill (No. 2570) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2014-781, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2014 THROUGH JUNE 30, 2015, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND, HIGHWAY FUND, SOLID WASTE FUND, SEWER FUND, AND GOLF FUND (*Full Funding of OPEB Annual Required Contribution (ARC) - \$1,495,385*) (*Approved on 1<sup>st</sup> reading, Public Hearing scheduled for February 11, 2015, and referred to the Budget & Finance Committee.*)

Proposed Draft Bill (No. 2571) – A BILL FOR AN ORDINANCE ESTABLISHING PROCEDURES, DEVELOPMENT PLANS, AND FUTURE GROWTH AREAS FOR THE LIHU'E PLANNING DISTRICT (*Approved as amended on 1<sup>st</sup> reading, Public Hearing scheduled for February 11, 2015, and referred to the Planning Committee.*)

Proposed Draft Bill (No. 2572) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2014-781, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2014 THROUGH JUNE 30, 2015, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (*Office of the County Attorney, Special Counsel Account - \$650,000*) (*Approved on 1<sup>st</sup> reading, Public Hearing scheduled for February 11, 2015, and referred to the Budget & Finance Committee.*)

Proposed Draft Bill (No. 2573) – A BILL FOR AN ORDINANCE TO ESTABLISH A NEW ARTICLE UNDER CHAPTER 22, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO DECLARING A PUBLIC NUISANCE (*Approved on 1<sup>st</sup> reading, Public Hearing scheduled for February 11, 2015, and referred to the Public Safety Committee.*)

Proposed Draft Bill (No. 2574) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAXES (*Real Property Tax Relief for the 2015 Tax Year*) (*Approved on 1<sup>st</sup> reading, Public Hearing scheduled for February 11, 2015, and referred to the Budget & Finance Committee.*)

**BILLS FOR SECOND READING:**

Bill No. 2563 – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2014-782, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2014 THROUGH JUNE 30, 2015, BY REVISING THE AMOUNTS ESTIMATED IN THE BOND FUND (*Moana Kai and Pono Kai Seawall – \$1,600,000*) (*Approved.*)

Bill No. 2564 – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2014-781, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2014 THROUGH JUNE 30, 2015, BY REVISING THE AMOUNTS ESTIMATED IN THE HOUSING AND COMMUNITY DEVELOPMENT REVOLVING FUND (*Housing Agency, Special Projects – \$35,877*) (*Approved.*)

Bill No. 2565 – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2014-781, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2014 THROUGH JUNE 30, 2015, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (*Real Property Assessment Software – \$100,000*) (***Approved.***)

Thank you for following up as appropriate, including confidential routing to any appropriate parties, and please do not hesitate to contact me or Council Services Staff if you need further information. Please note that this memo presents a summary of the action taken, and reference should be made to the official minutes for a complete record.

cc: KCT Department Heads (*Via E-mail*)  
KCT CCs (*Via E-mail*)  
Council Services Staff (*Via E-mail*)